



EX ANTE

OUR MISTAKE

Is there no end to the kinds of mistakes we can make, or the ways in which our helpful readers manage to spot them? Sharp-eyed and, it seems, cover-to-cover reader Ben Baring traveled a multi-page path to his discovery of a spelling error in our introduction to *Thank the Good Lord for Mapp v. Ohio*, 21 Green Bag 2d 155 (2018):

As usual, I enjoyed reading the latest edition of the *Green Bag*. It was after (and maybe because of) reading *The Fossat[t] Curse*, 21 Green Bag 2d 125 (2018), that I noticed on page 155 the name of Justice William O. Douglas is misspelled “Douglass” in one place.

Thanks Ben!

APRIL IN NEW YORK

Every year, the Historical Society of the New York Courts puts out a calendar with, surprise surprise, a legal-historical theme. For this year, calendar editor (and retired New York Court of Appeals Judge) Albert M. Rosenblatt focused on theatrical litigation. Thus the title – *Curtains Up! Lawsuits on Broadway* – and thus a dozen one-page reports involving famous characters such as Learned Hand (January: *Nichols v. Universal Pictures*), Andrew Lloyd Webber (July: *Repp v. Webber*), and Spider-Man (September: *Taymor v. 8 Legged Productions*). And, of course, Shakespeare (April: *Shakespeare Workshop v. Moses*). For a preview, turn the page.



SHAKESPEARE IN THE PARK

After two seasons at the East River Park Amphitheater, Joseph Papp's Shakespeare in the Park moved to Central Park. The Delacorte Theater became its permanent home, but not before a legal battle. New York City Parks Commissioner Robert Moses demanded that Papp and his company charge a fee for the performances.

In *Shakespeare Workshop v. Moses*, 8 A.D. 2d 343 (1st Dept. 1959), the Court disagreed:

"In respect of park permits, it is clear [the Commissioner] has a wide discretion. This discretion, however, is not unbounded. Its exercise must be related to and consistent with park purposes. Parks are primarily for the use, benefit and enjoyment of the public. The maintenance and use of parks do not empower regulation of the internal financial policies of an applicant so long as adequate and reasonable provision is made for reimbursement of the expense resulting from his use...

Where, as here, it is apparent that the sole substantial ground for the denial of the permit is arbitrary, capricious and unreasonable, the determination should and must be vacated and set aside."

Let the curtain rise.

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------------------|--------|---------|-----------|----------|--------|----------|
| | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 Easter Sunday | 9 | 10 | 11 | 12 | 13 | 14 |